



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

JUL 21 2011

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

vs.

BRANDON RASHAUD FURLOUGH

§
§
§
§
§

CRIMINAL NO.

11-531

CRIMINAL INDICTMENT

**UNSEALED
PER ARREST**

7/28/11

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times material to this Indictment:

1. The term "minor" is defined, pursuant to Title 18, United States Code, Section 2256(1), as "any person under the age of eighteen years."

2. The term "sexually explicit conduct" is defined, pursuant to Title 18, United States Code, Section 2256(2), as any:

"actual or simulated -

- (i) sexual intercourse, including genital [to] genital, oral [to] genital, anal [to] genital, or oral [to] anal, whether between persons of the same or opposite sex; [or]
- (ii) bestiality; [or]
- (iii) masturbation; [or]
- (iv) sadistic or masochistic abuse; or
- (v) [the] lascivious exhibition of the genitals or pubic area of any person."

3. The term "computer" is defined, pursuant to Title 18, United States Code, Sections 2256(6) and 1030(e)(1), as any:

"electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or

communications facility directly related to or operating in conjunction with such device, but such term does not include an automated typewriter or typesetter, a portable hand held calculator or other similar device."

4. The term "producing", for purposes of this Indictment, is defined, pursuant to Title 18, United States Code, Section 2256(3) and case law, as:

"producing, directing, manufacturing, issuing, publishing or advertising" and includes downloading images from another source, by using materials, including a computer or parts thereof.

5. The term "visual depiction" is defined, pursuant to Title 18, United States Code, Section 2256(5), as including, but is not limited to, any:

"undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image."

COUNT ONE
(Distribution Of Child Pornography)

On or about February 11, 2010, within Southern District of Texas,

BRANDON RASHAUD FURLOUGH,

defendant herein, did knowingly distribute material that contains child pornography using any means and facility of interstate and foreign commerce.

In violation of Title 18, United States Code, Section 2252A(a)(2)(B) and Section 2252A(b)(1).

COUNT TWO
(Distribution Of Child Pornography)

On or about March 25, 2010, within Southern District of Texas,

BRANDON RASHAUD FURLOUGH,

defendant herein, did knowingly distribute material that contains child pornography using any means and facility of interstate and foreign commerce.

In violation of Title 18, United States Code, Section 2252A(a)(2)(B) and Section 2252A(b)(1).

COUNT THREE
(Possession Of Child Pornography)

On or about April 9, 2010, within the Southern District of Texas,

BRANDON RASHAUD FURLOUGH,

defendant herein, did knowingly possess material that contained multiple images and videos of child pornography, which had been shipped and transported using any means and facility of interstate and foreign commerce, or which were produced using materials which have been mailed, shipped, and transported in and affecting interstate and foreign commerce, by any means, including by computer; more specifically, the defendant possessed a Dell desktop computer, a Gateway desktop computer and an HP laptop computer which contained video and still images of child pornography.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

NOTICE OF FORFEITURE

18 U.S.C. § 2253(a)

Pursuant to Title 18, United States Code, Section 2253(a)(2) and (a)(3), the United States gives

the defendant notice that in the event of conviction for the offenses charged in Counts One, Two and Three of the Indictment, the United States will seek to forfeit all property, real and personal, constituting or traceable to gross profits or other proceeds obtained from the offenses charged in Counts One, Two and Three; and all property, real and personal, used or intended to be used to commit or to promote the commission of the offenses charged in Counts One, Two and Three, or any property traceable to such property, including, but not limited to, the following:

a Dell desktop computer, serial # 5PCL531

a Gateway desktop computer, serial # 0025940113

a HP G60 laptop computer, serial # 2CE844359N

A True Bill;

ORIGINAL SIGNATURE ON FILE

Grand Jury Foreperson

JOSE ANGEL MORENO
United States Attorney

By:

R. Stabe
Robert Stabe
Assistant United States Attorney
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